

## Message Text

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ACTION IO-13

INFO OCT-01 NEA-10 ADP-00 AF-10 ARA-11 EA-11 EUR-25 RSC-01

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RSR-01 DPW-01 /199 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 7994

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY NEW DELHI

USMISSION GENEVA

UNCLAS USUN 1830

E. O. 11652: N/A

TAGS: SOCI, ECOSOC

SUBJECT: 54 TH ECOSOC-- HUMAN RIGHTS- PAKISTANI POWS

REF: GENEVA 1391

1. DURING GENERAL DEBATE ON REPORT OF 29 TH SESSION OF HRC, PAKISTAN REP( MIRZA) MADE STRONG STATEMENT ALONG LINES OF PAKISTANI STATEMENT DURING COMMISSION RE DETENTION OF POW' S BY INDIA. HE APPEALED FOR RELEASE OF THE POW' S IN CONFORMITY WITH ARTICLE 118 OF THE THIRD GENEVA CONVENTION. HE DEPLORED THE EFFORT BY THE GOI TO LINK THEIR RELEASE TO RESOLUTION OF POLITICAL ISSUES INVOLVING INDIA, PAKISTAN, AND BANGLADESH.

2. THE INDIAN REP ( JAIN) REGRETTED THAT PAKISTAN HAD MADE ACRIMONIOUS INTERVENTION AND EXPRESSED SURPRISE IN LIGHT OF JOINT INDO- BANGLADESH DECLARATION WHICH HAD BEEN MADE SINCE SESSION OF HRC HAD CONCLUDED. HE STATED THAT THIS DECLARATION INDICATED WILLINGNESS TO FIND A SOLUTION OF ALL HUMANITARIAN UNCLASSIFIED

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PROBLEMS, INCLUDING THE RELEASE OF POW' S ( EXCEPT THOSE CHARGED WITH WAR CRIMES) AND REPATRIATION OF THOSE BENGALIS FROM PAKISTAN TO BANGLADESH AS WELL AS NON- BENGALIS FROM BANGLADESH TO PAKISTAN WHO WHISHED TO LEAVE. HE CITED NEWS REPORTS FROM

MANY SOURCES REFERRING FAVORABLY TO THIS NEW INITIATIVE WHICH HAD BEEN TERMED BY SOME REPORTS AS MAJOR CONCESSION BY INDIA.

3. HE ALLEGED THAT 400,000 BENGALIS WERE FORCIBLY DETAINED IN PAKISTAN AND THAT THEY SHOULD BE ALLOWED TO DEPART SIMULTANEOUSLY WITH RELEASE OF POW'S. HE REGRETTED THAT ALL HUMAN RIGHTS QUESTIONS PERTAINING TO THE 1971 CONFLICT HAD NOT BEEN DISCUSSED PREVIOUSLY. HE APPEALED TO PAKISTAN TO RESOLVE OUTSTANDING PROBLEMS IN SPIRIT OF SIMLA AGREEMENT.

4. THE PAKISTANI REP REPLIED THAT ALL POW'S SHOULD BE RETURNED AND THAT THE GOP PLEDGED TO INVESTIGATE ALLEGED EXCESSES COMMITTED BY ITS SOLDIERS AND PUNISH THOSE FOUND GUILTY.

5. REFERRING TO BENGALIS IN PAKISTAN, HE SAID THAT GOP IS CONSCIOUS OF THE HUMANITARIAN ASPECTS OF THEIR SITUATION AND ANXIOUS TO INSURE THAT THOSE WHO DESIRED REPATRIATION WOULD NOT SUFFER HARDSHIP. HE QUESTIONED FIGURE OF 400,000 BENGALIS WHO PURPORTEDLY DESIRED REPATRIATION, MAINTAINING THAT THE FIGURE WAS MUCH LOWER. THE ICRC HAD REPORTED A FIGURE OF 157,000.

6. THE PAKISTANI REP CONTINUED THAT THE CONDITION OF THE BENGALIS IN PAKISTAN CONTRASTED WITH SITUATION OF NON-BENGALIS IN BANGLADESH. HE NOTED THAT MOST OF THESE PERSONS HAD NEVER BEEN TO WEST PAKISTAN BUT THAT, AS THEIR PLIGHT WORSENERED, THERE WAS NO WONDER THAT THEY WISHED TO LEAVE. THEY SHOULD BE ACCORDED SECURITY AND THEY SHOULD NOT BE REJECTED BY BANGLADESH.

7. CHINA MADE A BRIEF INTERVENTION SUPPORTING THE PAKISTANI POSITION.

8. THE INDIAN REP REPORTED THAT ALL PENDING MATTERS SHOULD BE SETTLED ON A BASIS OF EQUALITY BY ALL COUNTRIES INVOLVED. IN THIS CONNECTION, IT WAS ESSENTIAL TO HEAR THE VIEWS OF THE OBSERVER FROM BANGLADESH WHO WAS PRESENT IN THE CHAMBER. HE REQUESTED THE CHAIRMAN TO INVITE THE OBSERVER TO MAKE A STATEMENT. THE CHAIRMAN AGREED.

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9. THE REP OF PAKISTAN OBJECTED THAT RULES 75 AND 76 OF THE ECOSOC RULES OF PROCEDURE DID NOT PERMIT NON-UN MEMBERS TO PARTICIPATE IN ECOSOC PROCEEDINGS. THE CHAIRMAN REPLIED THAT HE HAD NOT CITED RULES 75 AND 76 IN PERMITTING THE BANGLADESH OBSERVER TO SPEAK. SINCE THE COUNCIL IS MASTER OF ITS OWN PROCEDURE AND BANGLADESH HAD PREVIOUSLY MADE STATEMENTS IN THE HRC AND THE PLENARY OF ECOSOC, HE WAS PREPARED TO PERMIT THE OBSERVER TO SPEAK UNLESS OBJECTION WAS RAISED IN WHICH CASE IT WOULD BE A MATTER FOR THE COUNCIL TO DECIDE.

10. PAKISTAN REQUESTED AN OPINION BY THE LEGAL COUNSEL. THE REP OF THE LEGAL COUNSEL (SLOAN) ADVISED THAT A STRICT READING OF THE RULES WOULD LIMIT "PARTICIPATION" IN ECOSOC DEBATES TO

UN MEMBERS. BUT PRACTICE HAS VARIED AND " PERSONS" HAD BEEN INVITED TO MAKE " STATEMENTS" IF THE COUNCIL FELT THAT THIS WOULD FACILITATE ITS WORK. IN HIS VIEW, THIS PRACTICE DID NOT CONSTITUTE " PARTICIPATION" WITHIN THE MEANING OF RULES 75 AND 76.

11. THE PAKISTANI REP THEN AGREED THAT THE CHAIRMAN MIGHT INVITE A " PERSON " TO SPEAK ON THE SUBJECT. THE CHAIRMAN THEN INVITED MR MAHMOOD ALI TO SPEAK. INDIA OBJECTED TO MR ALI'S TITLE, AS MEMBER OF THE BANGLADESH OBSERVER MISSION, SHOULD BE GIVEN TO WHICH THE CHAIRMAN AGREED. PAKISTAN DID NOT OBJECT FURTHER.

12. MR ALI STATED THAT HOSTILITIES HAD NOT CEASED AND THAT PAKISTAN STILL HOPED TO RECOVER ITS FORMER " PROVINCE OF EAST PAKISTAN". THE GOP WAS PREVENTING THE APPLICATION OF THE GENEVA CONVENTIONS. BANGLADESH WAS ENTITLED TO CONDUCT TRIALS FOR WAR CRIMES CONSISTENT WITH ARTICLE 3 OF THE GENEVA CONVENTION.

13. PAKISTAN COMMENTED THAT HIS GOVERNMENT RETAINED SENTIMENTS OF BROTHERHOOD AND FRIENDSHIP TOWARD MUSLIM BENGAL AND STANDS READY TO DISCUSS ALL PROBLEMS. THESE PROBLEMS CAN BE SOLVED AMONG THEMSELVES WITHOUT INTERFERENCE BY OTHER PARTIES.

14. THE DEBATE ENDED ON THIS NOTE.

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